

**EXHIBIT Q**  
**TO PLAINTIFFS' MOTION FOR**  
**PARTIAL SUMMARY JUDGMENT**

SARAH E. BOUCHARD 1/10/2012

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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON

-----X  
DEBORAH BOLLINGER and BRYAN :  
BUBNICK, individually and on :  
behalf of all others similarly :  
situated, :  
Plaintiffs, :  
v. : Case No.:  
RESIDENTIAL CAPITAL, LLC, : C10-1123 (RSM)  
ALLY FINANCIAL, INC., :  
Defendants. :  
-----X

Deposition of SARAH E. BOUCHARD, ESQUIRE  
Philadelphia, Pennsylvania  
Tuesday, January 10, 2012  
8:55 a.m.

Job No.: 22-209861

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Reported by: Darlene S. Traficante, RPR, CSR, CMRS

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1 this letter?

2 MR. GOLDER: Objection as to form.

3 THE WITNESS: I don't think that the opinion  
4 letter is incomplete. Although it doesn't reference  
5 every single regulation that we factored in, or that  
6 Anne and I had discussed.

7 MR. SCHUG: Okay.

8 THE WITNESS: But to my knowledge, other  
9 than that footnote, there is nothing inaccurate.

10 MR. SCHUG: Okay.

11 BY MR. SCHUG:

12 Q And in that footnote it also says there have  
13 been no opinion letters issued by the Department of  
14 Labor analyzing this particular issue.

15 That was correct, right?

16 A There had been no opinion letters addressing  
17 the underwriter position specifically.

18 There had been a September 2006 opinion  
19 letter addressing loan officers, and as you know, loan  
20 officers and underwriters have some overlapping  
21 functions.

22 Q And you didn't cite the 2006 opinion letter  
23 in this, in your letter to GMAC; is that correct?

24 A It's not cited.

25 Q Okay.

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1 email he said, here's the draft opinion letter. Well,  
2 I can just get the email.

3 A That would be great.

4 (BOUCHARD Deposition Exhibit 2 was marked  
5 for identification and attached to the transcript.)

6 BY MR. SCHUG:

7 Q I'm showing you what's been marked as  
8 Exhibit 2, this is an email from, it looks like Mike  
9 Eagles to Mike Kaplan dated December 5th, 2006. And  
10 the Bates label is DEF-DB6324.

11 Do you recognize this?

12 A It looks like an email he sent.

13 Q And it says, do you see in the second  
14 sentence it says, the letter is in draft form in case  
15 you have revisions. Please give me a call after  
16 you've had a chance to review so we can discuss your  
17 comments and the next steps in the project.

18 Do you see that?

19 A Yes.

20 Q And did you receive any revisions from GMAC  
21 on this draft letter?

22 A I don't believe so.

23 Q Okay.

24 And outside of the contents of the letter  
25 that we looked at that was Exhibit 1, did you give any



1           A     I don't remember using those exact words.

2 The loan officer opinion letter was good and factored  
3 in because there are overlapping functions that a loan  
4 officer and underwriters do.

5 Q Did the 2006 loan officer opinion letter  
6 address all the job duties of a mortgage underwriter?

7 A No.

8 Q And did the 2006 opinion letter specifically  
9 address the application of the administrative  
10 exemption to all the job duties of a mortgage  
11 underwriter?

12 MR. GOLDER: Objection to form.

13 Which opinion letter are you talking about  
14 since there are two?

15 MR. SCHUG: The September --

16 THE WITNESS: There's not an opinion letter  
17 that addresses underwriters specifically.

18 MR. SCHUG: Okay.

19 BY MR. SCHUG:

20 Q And again we're talking about the  
21 September 2006 loan officer letter?

22           A     I'm not sure what your question is. But the  
23     loan officer letter addressed loan officers.

24 As you know, under the Fair Labor Standards  
25 Act, job titles and job descriptions are not

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1     determinative, so under the law you could look at a  
2     position that had some similar factors and use that in  
3     your legal analysis.

4             Q     And my question is a little bit different  
5     than that.

6                     My question is, did the September 2006  
7     opinion letter on loan officers from the Department of  
8     Labor address the application of the administrative  
9     exemption to the job duties of an underwriter?

10            A     Certain job duties, yes.

11            Q     Did it apply the application of the  
12     administrative exemption to all the job duties of an  
13     underwriter?

14            A     It did not address all of the job duties of  
15     the underwriter because it was addressing the job  
16     duties specific to a loan officer.

17            Q     Okay.

18                     Now, I want to go back a little bit and talk  
19     about the process that you went through to figure out,  
20     or to get the background research of what an  
21     underwriter at GMAC was doing.

22                     Whose responsibility was it to talk to the  
23     underwriters at GMAC and find out what their job  
24     duties were?

25                     MR. OSSIP: Objection to form.